Home (1950) Dept

Ms. Series

G.O. No. 2345-2347

Dated 20.5.50.

Passed

Despatch abstract.

G.O. Ms. 2345

Courts - Civil - South Kanara dt. - DMC., Hoodng - Continuance - Appointment of two temporary addl. d.d. clerks - Sanctioned

G.O. Ms. 2346

Courts - Civil - South Kanara dt. - Appointment of an addl. st. Munsif to the DMC., Kasargod - Sanctioned

G.O. Ms. 2347

Courts - civil - South Kanara dt. - Appointment of addl. st. Munsif to the DMC., Mangalore - Abolition and revival of after summer recess, 1950 - Sanctd

R.O.C.Nos.1289 & 1290/50-D2.

From

Sri K. N. Ganpati, B.A., Bar-at-Law,

Registrar, High Court, Madras.

To

The Secretary to Government,

Home Department, Fort St. George,

MADRAS. (with enclosures).

Dated the 25th March 1950.

Sir,

Subject: Courts - Civil - South Kanara District - District Munsif's Court, Hosdrug - Continuance with increased establishment, — appointment of an Additional District Munsif and staff to the District Munsif's Court, Kasargod, abolition of the post of Additional District Munsif, Mangalore and staff now and their revival from the date on which the officer posted takes charge after re-opening of the Court after Summer Recess, 1950- - Recommended.

Reference: G.O.Ms.No.1597, Home Department, dated 22-4-1949.
G.O.Ms.No.4943, Home Department, dated 12-12-1949.

I am to forward for orders of Government a copy of letters No. A.684/49 dated 4-2-1950 and A. 14/50 dated 14-2-1950, from the District Judge, South Kanara on the subjects cited. The Hon'ble the Judges recommend --

1. the continuance of the temporary District Munsif's Court, Hosdrug for a further period of two years;

2. the appointment of two more additional lower division clerks to the temporary District Munsif's Court, Hosdrug for the duration of the term of sanction of that court;

3. the appointment of an Additional District Munsif with a staff of three clerks (one with shorthand qualification) and two peons to the District Munsif's Court, Kasargod from the date of re-opening of the Court after summer recess, 1950 upto the closing of the Court for summer recess, 1951; and

4. the abolition of the post of the Additional District Munsif, Mangalore and staff now and their revival for a period of five months with effect from the date on which the officer posted takes charge after the re-opening of the Court after summer recess, 1950.

P.T.O.

2. In view of the heavy pendency in the District Munsif's Court, Kasargod, their Lordships consider that the proposal for the appointment of an Additional District Munsif and staff to this court may be treated as a special case although no provision has been made for this in the draft budget for 1950-51. The post of the Additional District Munsif, Mangalore has been vacant since the first week of this month. The staff attached to the Additional Officer has also since been disbanded. It is not likely that an officer will be posted to this court before the closing of the court for summer recess. Their Lordships have therefore recommended the revival of the post of Additional District Munsif, Mangalore and staff for a period of five months after the re-opening of the Court after summer recess 1950.

3. Necessary provision has been made in the draft budget for 1950-51 with regard to the District Munsif of Hosdrug and staff. As for the additional clerks in the District Munsif's Court, Hosdrug and the Additional District Munsifs and staff at Kasargod and Mangalore, extra cost will be met from the appropriation under "27. Administration of Justice" and supplemental appropriation will be applied for, if necessary, in February 1951.

REGISTRAR.

24.3.50.

Enclo 4.

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Copy of letter No.A.684 of 1949, dated 4-2-1950, from the District Judge of South Kanara, Mangalore, to the Registrar, High Court, Madras.

Sir,

Sub: Establishment - Clerical establishment of District Munsif's Court, Hosdrug, newly established - Increase in strength - Recommended.

14.71.72 ff (Y)

In G.O. Ms. No. 1597, Home Department, dated 22-4-1949 the Government were pleased to establish a District Munsif's Court at Hosdrug, in the southern half of Kasaragod taluk and sanction a clerical establishment of one Head Clerk and five lower division clerks, inclusive of a shorthand-writer. The clerical work of the Court was distributed among the five clerks as follows:--

1 Clerk.	Duties of the Bench Clerk (Original Suits and Small Cause Suits).
1 "	Duties of Assistant to the Bench Clerk (Original and Small Cause Suits).
1 "	Duties of Assistant to the Head Clerk, inclusive of writing up accounts and maintaining of register of documents and Court fees etc.
1 "	Duties of execution clerk (.R.E.Ps. and S.E.Ps.) and miscellaneous petitions clerk (O.Ps. and I.Ps.) and drawing up of decrees (O.S. and S.Cs.).
1 (with shorthand qualification).	Taking down judgments in shorthand and transcribing them, fair copying judgments, orders and issues and preparation of statistical returns,etc.

2. A statement showing the number of suits and petitions instituted, received by transfer, disposed of in the District Munsif's Court at Hosdrug from 4-6-1949 to 31-12-1949 and pending on 31-12-1949 is appended hereto.

	For Disposal				
	By transfer.	Instituted.	Total.	Disposed of.	Pending on 31-12-1949.
ORIGINAL SUITS.	701	428	1129	329	800
SMALL CAUSE SUITS.	122	260	382	221	165
Execution Petitions.	4	297	301	82	219
Miscellaneous Petitions.	208	2196	2404	1981	423

3. The total of figures "for disposal" are exclusive of a few cases of "Revival" and "Transferred to other Courts".

4. The cases received by transfer on 4-6-1949 are as follows:

ORIGINAL SUITS.	676
Small Cause Suits.	100
Miscellaneous Petitions.	98

5. The work of the District Munsif's Court at Hosdrug will normally require eight clerks, if the work is to be fairly distributed as detailed below.

ITEMS OF WORK.	No. of clerks.
Original Suit Bench work and filing and entering disposals of Regular Interlocutory applications. ...	1
Assistant to the Original Suit Bench Clerk, i.e., filing of Original suits and indexing and preparation of B diaries, preparation of Commission and Receiver's warrants and complying with copy applications. ...	1
Small Cause work i.e., filing, indexing, preparation of B Diaries, Bench Work, decree work and complying with copy applications.	1
Execution work (O.S. and Small Cause Suits) and O.Ps. and I.Ps. ...	1
Record Clerk's work, i.e., to attend to submission of periodical and appeal intimation records, submission of indents, complying with R.Ps. and copy applications in disposed of suits and proceedings, and to be in charge of disposed of execution records not fully satisfied and to be in charge of forms and registers for the use of this Court and village Courts, and to attend to the destruction of registers and gazettes.	1
Head Clerk's Assistant's work, i.e., of maintaining of registers of papers received and despatched, of gazettes and periodicals received, of library, of pleadings and Court fees and accounts. ...	1
Drafting of decrees and orders in Original Suits.	1

ITEMS OF WORK.	NUMBER OF CLERKS.
B.F.	7
Taking down Judgments in shorthand and transcribing them, fair-copying of Judgments, orders and issues and office correspondence and returns.	1 clerk and shorthand-writer.
Total.	8

6. Taking note of the volume of work for the new Court and the paucity of clerks sanctioned for the Court, the District Munsif of Hosdrug had addressed this Court as early as July 1949 to move the Government for increasing the sanctioned strength of the clerical establishment from 5 to 8 clerks. The District Munsif was, however, asked by this Court to renew his request for additional clerks after the Court had functioned for some considerable length of time, so that the needs of the Court in the matter of additional staff asked for could be better gauged. Now that the new Court has functioned for nearly a year and has been inspected by me, the requirements of the Court with regard to more clerks can be better appreciated.

7. The copy of my notes of inspection of the District Munsif's Court, Hosdrug which have already been submitted to the High Court, will reveal the unsatisfactory state of affairs in that Court and make it abundantly clear that the sanctioned strength of five lower division clerks, including the shorthand-writer, is wholly inadequate to cope with the enormous volume of work of that Court, and that unless a few more clerks are sanctioned for the Court, the District Munsif will find it next to impossible to carry on the work of the Court with any degree of efficiency. The present unsatisfactory state of the administrative work of the Court and the pressing need of the Court for a few more clerks become apparent in the report submitted to this Court by the District Munsif in his letter

dated 5-12-1949 (copy of which is enclosed for reference). When the Court was inspected by me at the end of December, there was but slight improvement over the state of affairs revealed in the District Munsif's letter. The District Munsif's request for three more clerks for his Court, so as to bring the sanctioned strength of lower division clerks from 5 to 8, seems just and reasonable and may be favourably considered.

8. I, therefore, request that in view of the pressing need for additional clerks for the newly established Court at Hosdrug as revealed by the District Munsif's letter referred to above (copy enclosed) and the copy of my notes of inspection of the District Munsif's Court, Hosdrug already submitted to the High Court with Dis. No.661/50 dated 3-2-1950, the High Court may be pleased to address the Government to increase the sanctioned strength of the Court from five lower division clerks to eight for the duration of the term of sanction of the Court.

Yours faithfully,
(Sd.) C. Krishna Moose,
District Judge.

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(2)

Copy of letter Dis.No.986/dated 5-12-1949 from the District Munsif of Hosdrug (Kanhangad) to the District Judge of South Kanara.

Sub: CLERICAL STAFF - Steps to increase sanctioned strength - Request renewed.

Ref: 1. This Court's letter Dis.No.128 dated 4-7-1949.
2. District Court Proceedings No.A.330/49, dated 25-8-1949.

I have the honour to state that Sri K. Bhavani Shanker Rao, Clerk transferred to this Court from Kasaragod D.M.C., as per District Court Proceedings Dis.No.4595 dated 25-8-1949, as modified by District Court Proceedings Dis.No.4719 dated 3-9-1949, joined duty in this Court on 10-9-1949. Clerk

Janab K. Sheik Mahamood re-joined duty on expiry of leave on 1-9-1949. The latter was entrusted with the work of Assistant to Bench Clerk (O.S. and S.C.) as desired by him and worked in that branch till his relief on transfer to D.M.C., Kasaragod on 7-11-1949. The former was entrusted with the work of Execution (Petitions) work and decree work, as there were much arrears in that branch and many applications for copies of decrees and judgments were pending compliance. After the arrears in this branch were cleared off, he had to be put in charge of the work of Bench Clerk to meet a long-felt need to have an experienced and efficient hand for that work.

2. Even after nearly 3 months since the date of the District Court Proceedings quoted above, the state of clerical work does not show much improvement. One original suit register sufficient for 200 suits was received here in the second week of September, 1949 and 3 more books sufficient for 600 more suits were received in the first week of November, 1949. Though 1070 suits have been numbered till now, only 31 suits have been entered in the Original Suit Register so far, and these 31 suits were entered by clerk K. Sheik Mahamood in the Michaelmas holidays. In the small cause suit register the previous clerks in charge entered small cause suits up to S.C.S. No. 215/49 filed on 13-8-1949. Thereafter no S.C. suit has been entered therein. The S. C. suits have been numbered up to S.C.S. 338/49. There are thus over a 1000 original suits and over a 100 small cause suits remaining to be entered in the suit registers.

3. The indexing of some out of the 50 unindexed bundles received in the first consignment of transferred suits as well as of the incompletely indexed records of some cases received in the second consignment from Kasaragod D.M.C. have not been attended to yet. When the bundles received in the first consignment of transferred suits were checked with the entries as per

index papers, some papers were not found in some of the bundles. Hence a list of such papers not found in the bundles were directed to be prepared after getting checked the remaining bundles which had been left off and had yet to be checked for being sent to the District Munsif's Court, Kasaragod. The instruction to attend to this item of work has also not yet been carried out by the clerks that have been in charge of this branch of work. As index forms are out of stock and have not been supplied to this Court, being not available in the District Court also, the indexing of suits recently filed is also in arrears.

4. Since the suits have not been entered in the suit registers, the entries relating to the disposal of suits as well as of the results of execution petitions too could not be made in the suit registers. The execution work is now increasing day by day as 407 decrees have been so far received by transfer and execution petitions of decrees in suits disposed of in this court are also being filed. It will not be possible therefore for one clerk to attend to both the decree drafting work as well as the Execution Petitions work, hereafter. The decree drafting work ~~is~~ is falling in arrears. As a result decrees in suits disposed of on 22-10-1949 is pending to be drafted and copy application of 25-10-1949 for copies of decrees is pending to be complied with.

5. Unless the suits are entered in the suit registers, the periodical consignment of records of disposed of cases cannot be sent to the District Court. A separate clerk will also be necessary to attend to this work as well as the submission of appeal intimation records and indents and complying of R. Ps. and C. As. in disposed of suits

and proceedings and to be in charge of forms and registers for the use of this Court and village Courts and gazettes and records of village courts.

6. As submitted by me in my previous report, in view of the large number of original suits and interlocutory applications pending at present, it will not be possible for the original suit Bench Clerk and his assistant to attend to the S.C. Suits' work. It is therefore necessary to have a separate clerk for S. C. suits.

7. The main cause for this state of accumulation of arrears in the clerical work is due to the unddrmanned clerical staff.

8. The figures of institutions and disposals of suits and petitions are shown in the annexure. It will be seen from those figures that this Court will have heavy filings and disposals and consequently enormous amount of clerical work. It is necessary to have 3 more clerks for this court in order to cope with such heavy work in a prompt and satisfactory manner.

9- I have the honour therefore to request that the Government may be moved to sanction 3 more additional clerks to this Court.

ANNEXURE.

Period.	Received Instituted.	Revived.	By transfer.	Total.	Disposed of.
		ORIGINAL SUITS.			
4-6-1949 to 31-8-1949.	165	1	691	857	139
September,1949.	57	1	4	62	37
October, 1949.	77	1	4	82	61
November,1949.	70	1	2	73	54

Annexure (Continued)

Period.	Received. Instituted.	Revived.	By transfer.	Total.	Disposed of.
		SMALL CAUSE SUITS.			
4-6-1949 to 31-8-1949.	104	1	125	230	103
September,1949.	32	1	-	33	22
October,1949.	24	1	-	25	43
November,1949.	53	-	-	53	23
		EXECUTION PETITIONS.			
4-6-1949 to 31-8-1949.	36	-	1	37	3
September,1949.	38	-	-	38	13
October,1949.	60	-	3	63	10
November,1949.	92	-	-	92	31
		MISCELLANEOUS PETITIONS.			
4-6-1949 to 31-8-1949.	807	-	204	1011	682
September,1949.	304	-	---	304	249
October,1949.	369	-	1	370	378
November,1949.	350	-	---	350	329

(True copy)

(Sd.) C.Krishna Moose,
District Judge.

(3)

Copy of letter No.A.14/50, dated 14-2-1950, from the District Judge of South Kanara, to the Registrar, High Court of Judicature, Madras.

Sir,

Sub: Courts - Civil - Appointment of Additional District Munsif, Mangalore - Continuance for 3 months - Appointment of District Munsif, Hosdrug - Continuance - Appointment of Additional District Munsif, Kasaragod - Report - Submission of.

Ref: High Court R.O.C.Nos.1289 and 1290 of 1950-D2, dated 7-2-1950.

With reference to the above, I have the honour to report as follows:

2. District Munsif's Court, Hosdrug. A District Munsif's Court at Hosdrug was newly established under G.O. Ms. No. 1597, Home, dated 22-4-1949 with effect from the re-opening of the District Munsif's Courts in this district in 1949 (i.e., 4-6-1949) till the closing of the courts for the summer recess of 1950. The villages comprising the southern part of the Kasaragod Taluk, which were formerly within the territorial jurisdiction of the District Munsif's Court of Kasaragod, now come under the jurisdiction of this Court. When the Court began to function on 4-6-1949, 701 suits relating to these villages were transferred to this Court from the file of the District Munsif, Kadaragod. As many as 428 suits were instituted in this Court during the period of roughly 7 months extending from 4-6-1949 till 31-12-1949. This works out to about 650 suits for a year, even after excluding one and a half months for vacation. A reference to the number of original suits shown as instituted in 1949 in the various District Munsifs' Courts in this district in the enclosed statement would show that this average of 650 does not fall short of the normal institutions of the Courts in this District.

3. On the Small Cause side, 260 suits were instituted during the period of 7 months the Court was functioning in 1949. This works out to an average institution of about 385 for a year excluding the period of vacation and the number of Small Cause Suits instituted in the District Munsif's Court of Kasaragod in 1949 still remained at 406.

4. It is seen from the above that there is sufficient work for an independent Court at Hosdrug, apart from the District Munsif's Court at Kasaragod.

5. A permanent District Munsif's Court at Hosdrug within easy reach of the litigant public of this sub-taluk, the interior part of which is hilly and inaccessible, is certainly

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a necessity, as otherwise they have to approach the District Munsif's Court at distant Kasaragod undergoing all the troubles and heavy expenses.

6. I have therefore the honour to recommend that the District Munsif's Court at Hosdrug now functioning only as a temporary measure may be made permanent.

7. Additional District Munsif at Kasaragod.
In the District Munsif's Court, Kasaragod an Additional District Munsif was working since 3-6-1942 till 22-4-1949 and that post was abolished on the establishment of a District Munsif's Court at Hosdrug. ap (Y)/P73g

8. The appended statement shows at a glance the state of file in the several District Munsif's Courts in the District on 31-12-1948 and 31-12-1949.

Names of Courts.	Pendency on 31--12--1948.		Pendency on 31--12--1949	
	Total.	Old.	Total.	Old.
District Munsif's Court of				
Mangalore.	441	138	413	134
Kasaragod.	1102	467	570	265
Hosdrug.	-	-	800	333
			1370	598
Puttur.	321	29	354	73
Karkal.	438	152	245	36
Udipi.	357	112	384	93
Kundapur.	367	60	458	112

9. It is seen from the above statement, that the total pendency in the District Munsifs' Courts of Kasaragod and Hosdrug together has shot up to 1370 at the end of 1949 from 1102, which was the pendency in the combined Court at Kasaragod on 31-12-1948. Similarly the number of old suits also

has increased from 467 to 598 in the course of the year 1949. 329 suits were disposed of by the District Munsif, Hosdrug from 4-6-1949, the date of commencement of his Court, till the end of the year 1949, as against the institution of 428 suits. In the District Munsif's Court, Kasaragod, where there were 2 District Munsifs till 22-4-1949, the total number of suits disposed of in 1949 was 529 while the number of suits instituted during 1949 was 654. In this state of the file in their respective Courts, the District Munsifs of Kasaragod and Hosdrug may not be able to diminish the pendency single-handed to any appreciable extent. It is even doubtful whether the disposals would keep pace with the institution. It is therefore quite desirable that an Additional District Munsif has to be posted to assist both these courts. As there is no suitable accommpdation at Hosdrug, I would suggest the sanction of an Additional District Munsif to the District Munsif's Court at Kasaragod. The period, to begin with, may be a year from the re-opening of that Court after the summer vacation of 1950. For the above reasons, I have the honour to recommend that an Additional District Munsif may be sanctioned to the District Munsif's Cpurt, Kasaragod for one year from the re-opening of that Court on 3rd June, 1950. Though for the sake of convenience of accommodation, the officer is to hold his Court at Kasaragod, he may be treated as an additional officer to both the Courts, disposing of suits that might be transferred to him from time to time from both the Courts.

10. Additional District Munsif, Mangalore. An Additional District Munsif was sanctioned to the District Munsif's Court, Mangalore for 3 months from 23-1-1949 till 22-4-1949. But before there was any appreciable decrease in the pendency, the Additional District Munsif was shifted to District Munsif's Court, Karkal for six months from 10-6-1949. In that Court the total pendency as well as the pendency of old suits was brought down

to 245 and 36 respectively at the end of 1949; and the file has now become quite manageable by the sole District Munsif presiding over that Court. As the pendency in the District Munsif's Court, Mangalore was still high, the Additional District Munsif was shifted back to that Court from Karkal and he has been functioning in that Court from 17-12-1949. The state of the file in that Court shows that on 31-1-1950 there were 385 suits pending, of which 124 were old suits. The pendency of old suits appears to have been reduced only by 10 suits in January, 1950 by the 2 District Munsifs together and the total disposal is 58 as against an institution of 25. The District Munsif's Court, Mangalore will be working till 28-4-1950 before it closes for the summer recess this year and it re-opens on 3-6-1950 after the vacation. Regard having to all the circumstances, I do not think that the pendency of old suits will be sufficiently reduced within the brief period for which the post of the Additional District Munsif has been sanctioned at present and I consider that extension of the term of the Additional District Munsif for a period of at least 3 months from 3-6-1950 may be necessary to reduce effectively the pendency in general and of the old suits in particular in the District Munsif's Court, Mangalore so as to render the same easily manageable by the sold District Munsif thereafter. It may be pertinent to note in this connection that the sanction of an Additional District Munsif to this Court for a short period of 3 months only at the beginning of the year 1949 did not have the result of reducing the pendency to an appreciable extent and consequently it was found necessary to sanction an additional officer once again in December 1949. To avoid the recurrence of the same state of affairs once again, I would recommend the sanction of an Additional District Munsif to the District

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District Munsif's Court, Mangalore for a period of 3 months from 3-6-1950, the date of re-opening of that Court after the summer vacation of 1950.

11. A statement in duplicate showing the institution, disposal and pendency of Original suits and Small Cause Suits in the several District Munsif's Courts in the District for the years 1947, 1948 and 1949 and January, 1950 is enclosed.

17-21 below

You's faithfully,

(Sd.) C. Krishna Moose,
District Judge.

(True copy)

Sub Assistant Registrar,
Administrative Department,
High Court, Madras.

tmv.

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Statement showing the institutions, disposals and arrears in the several District Munsif's Courts in the district of South Kanara for the years 1947, 1948 and 1949 and the current year up to 31-1-1950.

Name of the presiding officer.	Period presided over.	Instituted.	Disposed of		Pending.	
			After full trial.	Total.	Total.	Old cases.
District Munsif's Court, Coondapur.						
ORIGINAL SUITS.						
1947. Sri M.Radhakrishna Kini		692	146	670	339	7
1948. Do.	1-1-48 to 20-8-48	405	109	413	..	..
Sri U.Narayana Rao	30-8-48 to 31-12-48	238	46	233	..	..
Total for the Court		643	155	646	367	60
1949 Sri U. Narayana Rao	1-1-49 to 11-11-49	596	91	491	477	116
Sri A.M.D'Sa	12-11-49 to 31-12-49	54	15	73	458	112
Total for the Court		650	106	564	458	112
1950. Sri A.M.D'Sa	1-1-50 to 31-1-50	39	11	58	444	120
SMALL CAUSE SUITS.						
1947. Sri M.Radhakrishna Kini		809	51	750	136	28
1948. Do.	1-1-48 to 20-8-48	558	36	494	..	..
Sri U.Narayana Rao	30-8-48 to 31-12-48	268	18	352	..	..
Total for the Court		826	54	846	120	16
1949. Sri U. Narayana Rao	1-1-49 to 11-11-49	736	37	668	189	21
Sri A.M.D'Sa	12-11-49 to 31-12-49	50	8	97	142	19
Total for the Court		786	45	765	142	19
1950. Sri A.M.D'Sa	1-1-50 to 31-1-50	43	7	40	145	22
District Munsif's Court, Hosdrug. (Established on 4-6-1949)						
ORIGINAL SUITS.						
1949 Sri P. Unnikrishna Kurup	4-6-1949 to 31-12-49	428*	125	329	800	333
1950 Do.	1-1-50 to 31-1-50	49	12	51	798	334

*In addition 701 suits were received by transfer from the District Munsif's Court, Kasaragod.

SMALL CAUSE SUITS.

1949 Sri P. Unnikrishna Kurup	4-6-1949 to 31-12-49	260**	45	221	165	34
1950 Do.	1-1-50 to 31-1-50	21	7	34	153	32

**In addition 122 suits were received by transfer from the District Munsif's Court, Kasaragod.

District Munsif's Court, Karkal.

ORIGINAL SUITS.

1947.	Sri D. Noronha	454	136	431	349	102
1948.	Sri D. Noronha 1-1-48 to 27-5-48	152	42	115	..	..
	Sri K. Vittal Kamath 28-5-48 to 31-12-48	364	63	317	..	..
	Total for the Court	516	105	432	438	152
1949.	Sri K. Vittal Kamath 1-1-49 to 1-6-49	202	42	155	485	184
	Janab U. Hammabba as sole Dt. Munsif from 2-6-49 to 9-6-49 and from 10-12-49 to 31-12-49 and Prl. Dt. Munsif from 10-6-1949 to 9-12-49.	187	148	320	245	36
	Sri K. Seetharama Rao as Addl. Dt. Munsif from 10-6-49 to 9-12-49	171	135	285	123	9
	Total for the Court	560	325	760	245	36
1950.	Janab U. Hammabba 1-1-50 to 31-1-50	44	18	41	249	37

SMALL CAUSE SUITS.

1947.	Sri D. Noronha	338	51	321	79	27
1948.	Do. from 1-1-48 to 27-5-48	118	13	111	..	..
	Sri K. Vittal Kamath from 28-5-48 to 31-12-48	322	15	320	..	..
	Total for the Court	440	28	431	88	39
1949.	Sri K. Vittal Kamath 1-1-49 to 1-6-49	127	19	94	122	12
	Janab U. Hammabba as sole Dt. Munsif from 2-6-49 to 9-6-49 and from 10-12-49 to 31-12-49 and Prl.Dt. Munsif from 10-6-49 to 9-12-49	142	27	182	73	Nil.
	Sri K. Seetharama Rao, Addl. Dt. Munsif from 10-6-49 to 9-12-49	131	14	142	35	Nil.
	Total for the Court	400	60	418	73	..
1950.	Janab U. Hammabba 1-1-50 to 31-1-50	31	3	25	79	2

District Munsif's Court, Kasaragod.

ORIGINAL SUITS.

1947.	Sri A.M.Krishnan Nambudripad (Prl. District Munsif)	439	162	368	492	136
	Sri P.Chandrasekhara Menon (Additional Dt. Munsif)	440	136	364	539	191
	Total for the Court	879	298	732	1031	327
1948.	Sri A.M.K.Nambudripad (P.D.M.) 1-1-48 to 17-4-48	115	65	153		
	Sri D. Noronha (P.D.M.) 5-6-48 to 31-12-48	330	98	297	539	22
	Sri P.C.Menon (A.D.M.) 1-1-48 to 31-12-48	446	166	442	563	2
	Total for the Court	891	329	892	1102	

1949	Sri D. Noronha as P.D.M. from 1-1-49 to 24-4-49 and sole D.M. thereafter till 31-12-49	486	132	394	570	265
	Sri P. C. Menon (Addl. D.M.) 1-1-49 to 22-4-49	168	50	135	612	265
	Total for the Court	654	182	529	570	265
1950.	Sri D. Noronha 1-1-50 to 31-1-50	37	11	28	579	267

SMALL CAUSE SUITS.

1947.	Sri A.M.Krishnan Nambudripad (Prl. District Munsif)	256	35	233	107	..
	Sri P.Chandrasekhara Menon (Addl. District Munsif)	257	42	235	118	..
	Total for the Court	513	77	468	225	142
1948	Sri A.M.Krishnan Nambudripad (P.D.M.) 1-1-48 to 17-4-48	74	12	82	..	..
	Sri D. Noronha (P.D.M.) 5-6-48 to 31-12-48	184	22	184	95	34
	Sri P.C.Menon (A.D.M.) 1-1-48 to 31-12-48	259	49	277	109	48
	Total for the Court	517	83	543	204	82
1949	Sri D. Noronha as P.D.M. from 1-1-49 to 24-4-49 and sole D.M. thereafter till 31-12-49	300	30	309	87	36
	Sri P. C. Menon (Addl. D.M.) 1-1-49 to 22-4-49	106	10	94	123	55
	Total for the Court	406	40	403	87	36
1950.	Sri D. Noronha 1-1-50 to 31-1-50	26	5	22	91	21

District Munsif's Court, Mangalore.

ORIGINAL SUITS.

1947.	Sri K. Venkatarangayya (1-1-47 to 19-6-47)	272	41	142	503	105
	Sri V. Ramaswami Ayyar (20-6-47 to 31-12-47)	278	106	305	483	135
	Total for the Court	550	147	447	483	135
1948.	Sri V. Ramaswamy Ayyar	505	224	528	441	138
1949.	Do. as sole D.M. from 1-1-49 to 22-1-49 and as A.D.M. from 23-1-49 to 22-4-49		53	82		
	Sri T.S.Anavaradham as P.D.M.from 23-1-49 to 11-5-49		35	81		
	Janab Mohammed Ghouse as sole D.M. from 6-6-49 to 16-12-49 and as P.D.M. from 17-12-49 to 31-12-49		94	342		
	Sri K. Seetharama Rao, A.D.M. 17-12-49 to 31-12-49		1	9		
	Total for the Court	468	183	514	413	134
1950	Janab Mohammed Ghouse (P.D.M.) 1-1-50 to 31-1-50		13	39		
	Sri K.Seetharama Rao (A.D.M.) do		11	19		
	Total for the Court	25	24	58	305	124

SMALL CAUSE SUITS.

1947.	Sri K.Venkatarangayya 1-1-47 to 19-6-47	354	10	43	272	
	Sri V. Ramaswami Ayyar 20-6-47 to 31-12-47	395	13	75	178	
	Sri A.M.D'Sa, Addl. S.C. Judge 1-1-47 to 31-12-47	..	123	587	..	
	Total for the Court	749	146	705	178	67
1948.	Sri V. Ramaswamy Ayyar, D.M. and Prl. S.C. Judge	838	29	137	234	
	Sri A.M.D'Sa, O.R. and Addl. S.C. Judge		109	647		
	Total for the Court	838	138	784	234	60
1949.	Sri V. Ramaswamy Ayyar, D.M. and Prl.S.C.Judge 1-1-49 to 22-1-49		2	11		
	Sri T.S.Anavaradhan, P.D.M. and Prl.S.C.Judge 23-1-49 to 11-5-49		17	51		
	Janab Mohammed Ghouse, D.M. and Prl. S.C. Judge 6-6-49 to 31-12-49		75	303		
	Sri A.M.D'Sa, O.R. and Addl. S.C. Judge 1-1-49 to 8-12-49		115	654		
	Sri K.Seetharama Rao, A.D.M. 17-12-49 to 31-12-49		14	35		
	Total for the Court	860	323	1054	133	18
1950	Janab Mohammed Ghouse P.D.M. and S.C. Judge 1-1-50 to 31-1-50		..	5		
	Sri K. Seetharama Rao, A.D.M. do.		8	35		
	Total for the Court	62	8	40	155	30

District Munsif's Court, Puttur.

ORIGINAL SUITS.

1947.	Sri T.V.B.C.Colaco	452	191	449	297	30
1948	Do.	464	206	503	321	29
1949	Do. 1-1-49 to 31-5-49	173	84	170	336	49
	Sri L. Gonsalves 4-6-49 to 31-12-49	359	119	351	354	73
	Total for the Court	532	203	521	354	73
1950.	Sri E. Gonsalves 1-1-50 to 31-1-50	27	31	50	331	67

SMALL CAUSE SUITS.

1947.	Sri T.V.B.C. Colaco	297	49	284	57	
1948.	Do.	308	60	320	51	
1949.	Do. 1-1-49 to 31-5-49	114	21	99	67	

1949.	Sri E. Gonsalves 4-6-49 to 31-12-49	219	34	228	61	1
	Total for the Court	333	55	327	61	1
1950.	Do. 1-1-50 to 31-1-50	28	2	20	69	1

District Munsif's Court, Udipi.

ORIGINAL SUITS.

1947.	Sri E. Gonsalves	544	157	443	370	98
1948.	Do.	506	161	513	357	112
1949.	Do. 1-1-49 to 1-6-49	204	56	151	412	113
	Sri T.V.B.C. Colaco 4-6-49 to 31-12-49	316	71	348	384	93
	Total for the Court	520	127	499	384	93
1950.	Sri T.V.B.C. Colaco 1-1-50 to 31-1-50	37	10	42	379	88

SMALL CAUSE SUITS.

1947.	Sri E. Gonsalves	545	52	527	106	26
1948.	Do.	591	36	577	123	24
1949.	Do. 1-1-49 to 1-6-49	211	21	202	134	22
	Sri T.V.B.C. Colaco 4-6-49 to 31-12-49	390	19	413	112	22
	Total for the Court	601	40	615	112	22
1950.	Sri T.V.B.C. Colaco 1-1-50 to 31-1-50	37	3	48	101	17

District Court of South Kanara,
Mangalore, Dated 14th February 1950.

C. Krishnamurthy
District Judge.

22

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Home (Courts I) Dept

T.M

From The Addl. Dy. Secy. to Govt
Home Dept

To The Registrar,
High Court, Madras

Courts - Civil - Skanara st - Abolition & revival of the post of addl. St. Munsif, Mangalore

Ref: Your letter Roc. No. 1289 & 1290/50-D2 dt 25-3-50

Please state very urgently the dates from which the post of addl. St. Munsif, Mangalore and his staff have been kept vacant

12.4.50
15/4/50

T.M. received 11.50 A.M. 17/4

Ref 1-2-y

R. Regarded pp 3-p2 y

17/4.

(RD 22/4/50)

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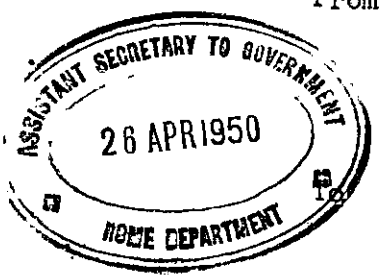
R.O.C.1289 and 1290/50-D.2.

~~55830~~

From



55830

Sri V.Krishnaswami, B.A., B.L.,
Assistant Registrar, Appellate Side,
High Court of Judicature at Madras.

The Additional Deputy Secretary to Government,
Home Department,
Fort St. George, Madras.

MADRAS, DATED 25th April 1950.

Sir,

SUBJECT: COURTS - Civil - South Kanara District - Abolition and revival of the post of Additional District Munsif, Mangalore.

...

1/23 above

Reference: Post Copy of your Telephonic Message dated 17th April 1950.

The post of the Additional District Munsif, Mangalore is vacant from the afternoon of 4th March 1950. The posts of the clerical staff and the menial staff attached have been kept vacant from the forenoon of 7-3-1950 and from the afternoon of 4-3-1950 respectively.

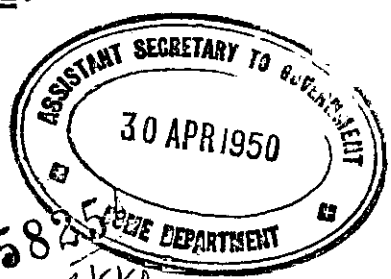
V. Krishnaswamy 25/4/50
ASSISTANT REGISTRAR, APP. SIDE.

vs

R.O.C. Nos.1289 & 1290/50-D2.

From

Sri K.N. Ganpati, B.A., Bar-at-Law,
Registrar, High Court, Madras.



To

The Secretary to Government,
Home Department, Fort St. George
MADRAS.

Dated the 29th April 1950.

Sir,

Sub: Courts - Civil - South Kanara District - District Munsif's Court, Hosdrug - Continuance of.

Ref: My letter R.O.C.Nos.1289 & 1290/50-D2, dated 29-3-1950.

The current sanction for the appointment of the District Munsif, Hosdrug and staff expires on the closing of the Court for Summer Recess 1950 (29-4-1950). Orders sanctioning their continuance have not yet been communicated. I am to state that the posts will be continued in anticipation of Government's sanction. ~~unless orders to the contrary are received in the meantime~~.

REGISTRAR.

Copy to :

The District Judge of South Kanara, with reference to his Telegram dated 28-4-1950.

tmv.

28

Home Deptt.

The main file on the subject bearing C.No. 43103-Cts I/50 is now in circulation to HM (E.-LL), HM (Fin) & HCM. This may be added to the main file on return from circulation

6/5

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6/5

(Amitabh Ct Behar)

Four ~~THREE~~ DRAFTS.

(C.NO. 43103 Cts.I/50)

HOME DEPARTMENT.

G.O. Ms. No. ~~2235~~ 2345 dated ~~13.5.50~~ 20-5-50.

Courts - Civil - South Kanara district - D.M.C., Hosdrug - Continuance - Appointment of two temporary addl. l.d. clerks - Sanctioned.

Read the following:-

G.O. Ms. 1597, Home, dated 22.4.49.

from The High Court, Roc.No.1289+1290/50.D2 D/ 25.3.50 & 29.4.50.

ORDER:

(1) H.E. the Governor of Madras sanctions the continuance for a further period of one year from the 29th April 1950 of the temporary Dt. Munsif's Court at Hosdrug with its establishment sanctioned in G.O. Ms. No. 1597, Home, d/22.4.49; and

(2) the employment in the D.M.C., Hosdrug of two addl. temporary lower division clerks on Rs.45-90 each p.m. for the duration of the term of sanction of that court.

2. The expenditure should be met from the appropriation under "27.f.Admn. of Justice - Civil and Sessions Courts - Mufassal Civil and Sessions Courts - Pay of Officers and pay of establishments - Voted."

3. The Regr, High Court, is requested to submit forward necessary proposals in time before the sanctd allotment is exceeded.

To the Regr., High Court.
To the Dt. Judge, South Kanara.
To the A.G. thro' Finance.
(Copy for file.)

II. 20.5.50

G.O. Ms. No. ~~2248~~ 2346 dated ~~15.5.50~~

Courts - Civil - South Kanara District - Appointment of an Addl. Dt. Munsif, to the D.M.C., Kasargod - Sanctioned.

Read: From the High Court, ROC. No. 1289 & 1290/50-D2, d/25.3.50.

ORDER:

H.E. the Governor of Madras sanctions ~~xxxxxxxxxxxx~~ up to the date of closure of the court for summer recess, 1951 ~~of~~ the appointment of an Addl. Dt. Munsif, to the Dt. Munsif's Court, Kasargod in the South Kanara Dt. with three clerks on Rs.45-90 each p.m. (one with shorthand qualification) and two peons on Rs.18-25 each p.m. with effect from the date of reopening of the court after the summer recess 1950.

2. The expenditure should be met from the appropriation under

"27.f. Admn. of Justice - Civil and Sessions Courts - B. Mufassal Civil and Sessions Courts - Regular establishments - Voted". The Regr, High Court, is requested to forward necessary proposals in time before the sanctd allotment is exceeded.

2. The following notification will be published in the Fort St. George Gazette:-

Notification.

Under section 4 of the Madras Civil Courts Act, 1873 (III of 1873), as amended by Madras Act III of 1925, H.E. the Governor of Madras after consultation with the High Court, hereby directs that the number of Dt. Munsifs to be appointed to the D.M.C., Kasargod in the district of South Kanara shall be two with effect from the date on which the officer posted takes charge after the reopening of the court after the summer recess 1950.

To the Regr., High Court, Madras.
" Dt. Judge, South Kanara.
" A.G. thro' Finance.
" S.G.P. for pbln. of notfn. in Gazette (para 3 onl

Published as Mfn. 688 at p. 1592 of Gazette of 30.5.50.

III. dated 20-5-50

G.O. Ms. No. 2347

Courts - Civil - South Kanara Dt. - Appointment of an Addl. Dt, Munsif to the Dt. Munsif's Court, Mangalore - Abolition and revival after summer recess 1950 - Sanctioned.

Read: G.O. Ms. No. 4943, Home, dated 12.12.49.
From the High Court, Roc. No. 1289 and 1290/50-D2, d/25.3.50, & 25-4-50.

ORDER:

H.E. the Governor of Madras directs that the appointment of the Addl. Dt. Munsif, Mangalore together with the menial staff and the clerical staff for the Addl. Munsif sanctioned in G.O. Ms. No. 4943, Home, d/12.12.49 be abolished with effect from ~~29.4.50.~~ the 4th/and 7th March 1950 a.m. & p.m. respectively.

2. H.E. the Governor of Madras sanctions ~~for a period of~~ three months the appointment of an Addl. Dt. Munsif to the D.M.C., Mangalore in the South Kanara district with 3 clerks on Rs.45-90 each per mensem (one with shorthand qualification) and two peons on Rs.18-25 each p.m. for a period of three months with effect from ~~2.6.49 or~~ the date on which the officer posted takes charge after the reopening of the court after the summer recess 1950.

3. The expenditure should be met from the appropriation under "27.f. Admn. of Justice - B. Mufassal Civil and Sessions Courts - Regular establishments - Voted". The Regr, High Court is requested to forward necessary proposals in time, before the sanctioned allotment is exceeded

4. The following notification will be published in the Fort St. George Gazette:-

Notification.

Under section 4 of the Madras Civil Courts Act, 1873 (III of 1873), as amended by Madras Act III of 1925, H.E. the Governor of Madras after consultation with the High Court hereby directs -

(i) that the number of Dt. Munsifs to be appointed to the D.M.C., Mangalore in the Dt. of South Kanara shall be one with effect from the ~~29.4.50; and~~ 4th March 1950; and

(ii) ~~that the number of Dt. Munsifs to be appointed to the D.M.C., Mangalore in the Dt. of South Kanara shall be~~ two with effect from the date on which the officer posted takes charge after the reopening of the court after the summer recess 1950.

To the Regr., High Court.
To the Dt. Judge, South Kanara.
To the A.G., thro' Finance.
To the S.G.P. for publn. of notfn. in Gazette (para 4 only).

Published as Nfn. 889 at p 1592 of Gazette dt 30.5.50.

43103 cls I/50-3 dt 20.5.50

Memo.No. ~~43103 Cls I/50-3 dt 13.5.50~~

Courts - Civil - South Kanara dt. - ~~Estt. of a~~ Continuance of D.M.C. at Hosdrug ~~ok Continuance.~~

Ref: From the High Court, ROC.No.1289 & 1290/50-D2, dated 25.3.50 & 29-4-50.

It is considered that ~~the continuance of~~ the D.M.C. at Hosdrug may be ~~accorded~~ continued now for one year only as usual at a time and that ~~the proposals~~ the question of for further continuance ~~may be sent to Govt. sufficiently in advance if necessary at before~~ will be examined at the time of the expiry of the ~~existing~~ present sanction. ~~Separate~~ Orders are being issued accordingly.

The Regr High Court is informed accordingly.

2 The Regr is also informed that the applt for an addl Dt. Munsif to the D.M.C. Kasargod is being sanctioned separately, as suggested by the High Ct and he is requested to issue suitable instns that the arrears Clearance ~~the D.M.C. are cleared~~ should be completed within the period of the sanction.

To the Registrar,
High Court, Madras

of the Asst Addl Dt. Munif, Mangalore, it is considered sufficient to sanction the ~~request~~ for three months only as proposed by the Dt Judge ~~Asst~~. The Regr may come up with proposals later if ~~the Consideration~~ ~~Collection~~ is necessary. The appln. for a further ~~considered essential~~ period

[illegible]

K. P. NARAIN DAS B. A., B. L.,
Pleader for Government.

KANHANGAD, S. K. 33

08440

18.5.12 - 5 - 1950.

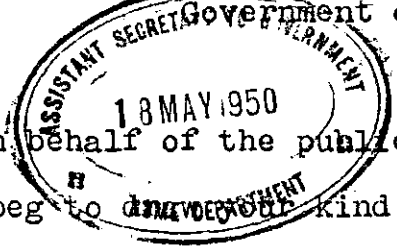
Secretary,
Kasaragod Malayala Desa Samajam.

Home Have we not extended the Court Hosdrug

T&

Hon'ble Sri K. Madhava Menon,
Minister for Law,
Government of Madras.

Sir,



On behalf of the public of Hosdrug Sub-Taluk I beg to draw your kind attention to the following facts in regard to the District Munsif's Court of Hosdrug which the Government were pleased to sanction in June 1949.

1. The functioning of this Court for the last one year has shown that both in regard to institution and disposal of suits it is probably the heaviest in the District.

2. The average institution of suits from this Sub-Taluk in the past years compares favourably with that of any other Court in the District.

3. On the finance point of view it is understood that it is working at a surplus of over Rs. 1000/- per month on an average.

4. For purposes of revenue administration the territorial jurisdiction of this Court is an

independent Taluk under the Deputy Tahsildar of Hosdrug where every other department of Government also has its office.

5. The Sub-Taluk is very extensive in area and this Court is serving a population of about 2 lakhs.

In the light of the circumstances stated above it is prayed that the Government may be pleased to place the Court on a permanent footing even from June 1950.

I remain

Sir,

Yours faithfully,

Special

C.M.43103 etc I/50

For proceedings fol see W.77-78 of 7 (1)

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HOME (COURTS-I) DEPARTMENT.

Summarising Note.

Courts - Civil - South Kanara Dt. - Continuance of D.M.C., Hosdrug - Appointment of addl. Dt. Munsif to the D.M.C., Kasargod - Abolition and revival of post of Addl. Dt. Munsif, Mangalore.

In March 1950, the High Court recommended the continuance of the D.M.C. at Hosdrug in the South Kanara Dt. with two addl. l.d. clerks for a further period of 2 years from 29.4.50, the appointment of an addl. Dt. Munsif to the D.M.C., Kasargod from the date of reopening of the court after the summer recess, 1950 upto the date of closure of the court for the summer recess, 1951 and the abolition of the post of addl. Dt. Munsif, Mangalore now and its revival for a period of 5 months with effect from the date on which the officer posted takes charge after the reopening of the court after summer recess, 1950.

On an examination of the proposals referred to above, it was decided to accept the recommendations of the High Court for the appointment of two more addl. l.d. clerks to the D.M.C., Hosdrug for the duration of the term of sanction of that court, as the High Court's recommendation would bring the strength of l.d. clerks in that court to seven, which is the normal clerical strength in D.M.Cs. As regards the continuance of the temporary D.M.C., Hosdrug, it was considered sufficient to accord sanction to the continuance for one year only ~~as usual~~, instead of for two years as recommended by the High Court. It was also proposed by this Dept. to accept the recommendation of the High Court in regard to the appointment of an addl. Dt. Munsif to the D.M.C., Kasargod from the date of reopening of the court after the summer recess, 1950 upto the date of closure of the court for the summer recess, 1951 and for the abolition of the post of addl. Dt. Munsif, Mangalore now and its revival for a period of 5 months with effect from the date on which the officer posted takes charge after the reopening of the court after the summer recess, 1950. Finance agreed to these proposals subject to the remarks that instructions might be issued that the arrear clearance should be completed within the period of proposed sanction of the Addl. Dt. Munsif to the D.M.C.,

Kasargod and in regard to the continuance of the Addl. District Munsif, Mangalore, they suggested that the period of sanction might be restricted to 3 months after the reopening of the court after the summer recess, 1950 as recommended by the Dt. Judge, instead of 5 months as suggested by the High Court. In view of the urgency of the case, that Dept. agreed that the short circuit procedure might be followed and suggested that steps might be taken to provide the necessary funds by reappropriation or otherwise in time before the sanctioned allotment is exceeded. Orders were accordingly taken in circulation to H.M.(E. & L.), H.M.(Fin.) and H.C.M. and orders have since issued ~~on 20th May 1950~~ sanctioning the proposals referred to above as modified by Finance. The extra expenditure involved is about Rs.12,800/- p.a.

2. This summarising note is circulated to other Hon'ble Ministers, the Chief Secy. and the Finance Dept. for information in accordance with the emergency procedure referred to above.

24/5/50

To all H.Ms. except
H.M.(E. & L.), H.M.(Fin.)
and H.C.M.
To the Chief Secy. to Govt.
To the Finance Dept.

"SPECIAL"

57

Summarising Note.

Courts - Civil - South Kanara District - Continuance of District Munsif's Court, Hosdrug - Appointment of additional District Munsif to the District Munsif's Court Kasargod - Abolition and revival of post of Additional District Munsif, Mangalore.

In March 1950, the High Court recommended the continuance of the District Munsif's Court at Hosdrug in the South Kanara District with two additional lower division clerks for a further period of two years from 29.4.50, the appointment of an additional District Munsif to the District Munsif's Court, Kasargod from the date of reopening of the court after the summer recess, 1950 upto the date of closure of the court for the summer recess, 1951 and the abolition of the post of additional District Munsif, Mangalore now and its revival for a period of 5 months with effect from the date on which the officer posted takes charge after the reopening of the court after summer recess, 1950.

On an examination of the proposals referred to above, it was decided to accept the recommendations of the High Court for the appointment of two more additional lower division clerks to the District Munsif's Court, Hosdrug for the duration of the term of sanction of that court, as the High Court's recommendation would bring the strength of lower division clerks in that court to seven, which is the normal clerical strength in District Munsif's Courts. As regards the continuance of the temporary District Munsif's Court, Hosdrug, it was considered sufficient to accord sanction to the continuance for one year only instead of for two years as recommended by the High Court. It was also proposed by this Department to accept the recommendation of the High Court in regard to the appointment of an additional District Munsif to the District Munsif's Court, Kasargod from the date of reopening of the court after the summer recess, 1950 upto the date of closure of the court for the summer recess, 1951 and for the abolition of the post of additional District Munsif, Mangalore now and its revival for a period of 5 months with effect from the date on which the officer posted takes charge after the reopening of the court after the summer recess, 1950. Finance agreed to these proposals subject to the remarks that instructions might be issued that the arrear clearance should be completed within the period of proposed sanction of the Additional District Munsif to the District Munsif's Court, Kasargod and in regard to the continuance of the Additional District Munsif, Mangalore, they suggested that the period of sanction might be restricted to 3 months after the reopening of the court after the summer recess, 1950 as recommended by the District Judge, instead of 5 months as suggested by the High Court. In view of the urgency of the case, that Department agreed that the short circuit procedure might be followed and suggested that steps might be taken to provide the necessary funds by reappropriation or otherwise in time before the sanctioned allotment is exceeded. Orders were accordingly taken in circulation to Hon'ble Minister (Education and Law), Hon'ble Minister (Finance) and Hon'ble Chief Minister and orders have since issued sanctioning the proposals referred to above as modified by Finance. The extra expenditure involved is about Rs.12,800/- per annum,

P.T.O.

-38-

2. This summarising note is circulated to other Hon'ble Ministers, the Chief Secretary and the Finance Department for information in accordance with the emergency procedure referred to above.

for Secretary to Government.

gs.25/5.

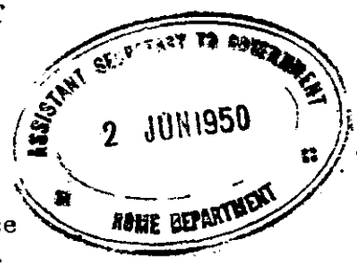
"SPECIAL"

75876/46

Summarising Note.

HOME (COURTS-I) DEPARTMENT.

Courts - Civil - South Kanara District - Continuance of District Munsif's Court, Hosdrug - Appointment of additional District Munsif to the District Munsif's Court Kasargod - Abolition and revival of post of Additional District Munsif, Mangalore.



In March 1950, the High Court recommended the continuance of the District Munsif's Court at Hosdrug in the South Kanara District with two additional lower division clerks for a further period of two years from 29.4.50, the appointment of an additional District Munsif to the District Munsif's Court, Kasargod from the date of reopening of the court after the summer recess, 1950 upto the date of closure of the court for the summer recess, 1951 and the abolition of the post of additional District Munsif, Mangalore now and its revival for a period of 5 months with effect from the date on which the officer posted takes charge after the reopening of the court after summer recess, 1950.

On an examination of the proposals referred to above, it was decided to accept the recommendations of the High Court for the appointment of two more additional lower division clerks to the District Munsif's Court, Hosdrug for the duration of the term of sanction of that court, as the High Court's recommendation would bring the strength of lower division clerks in that court to seven, which is the normal clerical strength in District Munsif's Courts. As regards the continuance of the temporary District Munsif's Court, Hosdrug, it was considered sufficient to accord sanction to the continuance for one year only instead of for two years as recommended by the High Court. It was also proposed by this Department to accept the recommendation of the High Court in regard to the appointment of an additional District Munsif to the District Munsif's Court, Kasargod from the date of reopening of the court after the summer recess, 1950 upto the date of closure of the court for the summer recess, 1951 and for the abolition of the post of additional District Munsif, Mangalore now and its revival for a period of 5 months with effect from the date on which the officer posted takes charge after the reopening of the court after the summer recess, 1950. Finance agreed to these proposals subject to the remarks that instructions might be issued that the arrear clearance should be completed within the period of proposed sanction of the Additional District Munsif to the District Munsif's Court, Kasargod and in regard to the continuance of the Additional District Munsif, Mangalore, they suggested that the period of sanction might be restricted to 3 months after the reopening of the court after the summer recess, 1950 as recommended by the District Judge, instead of 5 months as suggested by the High Court. In view of the urgency of the case, that Department agreed that the short circuit procedure might be followed and suggested that steps might be taken to provide the necessary funds by reappropriation or otherwise in time before the sanctioned allotment is exceeded. Orders were accordingly taken in circulation to Hon'ble Minister (Education and Law), Hon'ble Minister (Finance) and Hon'ble Chief Minister and orders have since issued sanctioning the proposals referred to above as modified by Finance. The extra expenditure involved is about Rs.12,800/- per annum,

P.T.O.

60

2. This summarising note is circulated to other Hon'ble Ministers, the Chief Secretary and the Finance Department for information in accordance with the emergency procedure referred to above.

for Secretary to Government.

gs.25/5.

Seen
31/5/
Hon (Food)

Home Dept

May be filed with Exn No. 2345-47 (F)

Home, D 20.5.50.

20.5.50

C.No 43103-Cts.I/50 Home (Courts-I) Department.

Courts - Civil - South Kanara district - D.M.C., Hosdrug - Continuance - Appointment of addl. Dt Munsif to the D M.C., Kasargod - Abolition and revival of the post of the Addl. Dt.Munsif, Mangalore.

From the High Court, ROC.No.1289 & 1290/50-D2, d/25.3.1950.

The High Court, Madras, has recommended the continuance of ~~certain~~ the Dt.Munsif's Court at Hosdrug in the South Kanara dt., ~~and~~ the appointment of an addl. Dt.Munsif to the D.M.C., Kasaragod ~~which are examined below:~~ and the abolition and revival of the post of Addl. Dt. Munsif, Mangalore.

2. Dist.Munsif's Court, Hosdrug: In G.O.Ms.No.1597, Home, dated 22.4.49, sanction was accorded to the estt of a D.~~M.C.~~ at Hosdrug with effect from 4.6.49 till the closure of the court for the summer recess, 1950, ~~in~~ with the following estt:

One Head Clerk on 80-110 p.m.

One Dy.Nazir on Rs.80-110/- p.m.

Five clerks on Rs.45-90 each p.m. (one with shorthand qualification)

One Examiner of copies on Rs.40-2-50

Three process servers for guard duty at Rs.16-25 each p.m.

Two peons on Rs.16-25 each p.m.

For the reasons set out in paras 2-7 of his letter on pp. 3-6 c.f., the Dt.Judge requests that three addl. temporary l.d.clerks may be sanctioned to that court for the duration of sanction. He also requests that the court may be made permanent for the reasons set out in paras 2-6 of his letter on pp. 11-12 c.f. The Hon. the Judges recommend the continuance of the temporary D.M.C., Hosdrug for a further period of 2 years ~~for~~ and the appointment of 2 more addl. l.d. clerks to the court for the duration of the term of sanction of that court. At the time of sanctioning the estt. of the D.M.C. at Hosdrug, the High Court had asked ~~only~~ for the appointment of 5 clerks only. The staff usually sanctioned for a Dt.Munsif's Court are:

Regular estt:

1 head clerk

7 clerks

2

3 peons

Process service estt:

1 Dy. Nazir

8 Amins

30 process servers

Copyist estt:

1 Examiner

2 copyists.

On the above basis, the staff sanctioned to the D.M.C., Hosdrug ~~does not appear to be adequate but the~~ is below the normal strength and Dt.Judge and the High Court have now come forward with proposals for the appointment of 2 addl. clerks so as to increase the no. of clerks to 7, which is the normal clerical staff in Dt Munsifs' courts ~~only~~. It is stated that the present strength of that court is wholly inadequate to cope with the enormous volume of work there and that unless a few more clerks are sanctioned for the court, the Dt.Munsif will find it next to impossible to carry on the work of the court with any degree of efficiency The recommendation of the High Court in regard to addl. staff may be accepted. As regards the continuance of the temporary D.M.C., Hosdrug for a period of two years, submitted that the continuance of temporary courts is usually sanctioned for one year at a time. The High Court has recommended the continuance for a further period of two years. It is for orders whether in line with the procedure adopted in such cases, sanction may be accorded for the continuance of this court for one year only now.

3. Appointment of an addl. Dt.Munsif, to the D.M.C., Kasargod:

For the reasons set out in paras 7-9 of his letter on pp.12-15 c.f., the Dt.Judge, South Kanara requests that an addl. Dt.Munsif may be appointed to the D.M.C., Kasargod for a period of one year from the date of reopening of the court after the summer recess, 1950. The Hon. the Judges recommend the appointment of an addl. Dt.Munsif with a staff of 3 clerks (one with shorthand qualification) and two peons to the D.M.C., Kasargod from

from the date of reopening of the court after the summer recess 1950 upto the closure of the court for the summer recess, 1951. The following statement shows the state of work in the D.M.C. at Kasargod since 1947:

Year	Original Suits				Small Cause Suits			
	Ins.	Dis.	AFT	Pen.	Ins.	Dis	AFT	Pen.
1947	879	732	298	1031(327)	513	468	77	225(142)
1948	891	892	329	1102(467)	517	543	83	204(82)
1949	654	529	182	570(265)	406	403	40	87(36)
1950 upto 31.1.50	37	28	11	579(267)	26	22	5	91(21)

The pendency on 31.12.49 is 570 O.S. (265) old in this Court and in the D.M.C., Hosdrug, the pendency is 800 O S.(333 old The Dt.Judge has stated that the Df.Munsifs of Kasargod and Hosdrug may not be able to diminish the pendency singlehanded to any appreciable extent and that an addl. officer may be posted for both the courts and that he may hold his court at Kasargod.

There was an addl. Dt.Munsif functioning in the D.M.C., Kasargod till 22.4.49. In July 1948, when the High Court was asked whether there would be sufficient work for both the addl. Dt.Munsif's Court, Kasargod and the proposed Dt. Munsif's Court at Hosdrug on the basis of the revised jurisdiction of both the courts, it stated that there was heavy pendency in the court at Kasargod due to heavy filing which had almost become a permanent feature, that considerably more than half the nos. of suits filed came from the villages proposed to be placed under the new Munsifs there would be sufficient work for the courts at Kasargod and the proposed court at Hosdrug. When it was subsequently consulted on the suggestion to shift to Hosdrug the addl. D.M.C. at Kasargod in view of the larger number of suits from Hosdrug sub taluk than from other parts of Kasargod, the Hon. the Judges considered that the continuance of the addl. Dt.Munsif at Kasargod was essential and agreed to the suggestion to shift the said addl. D.M.C. at Kasargod to Hosdrug. Orders were then issued in G.O.Ms.No.1597.Home.

9/

E.

A43103-I

when the Court closed for the summer recess, 1949
dated 22.4.49 abolishing the addl. D.M.C. at Kasaragod and
establishing a D.M.C. at Hosdrug from 4.6.49.

(after full trial) (1)

On the basis of the standard outturn of 235 O.S. fixed for the D.M.C., Kasargod the pendency of 570 O.S. (265 old) will provide sufficient work for an addl. officer for a year irrespective of subsequent institutions. The recommendation of the High Court in this regard may be agreed to. (A) B

4. Abolition of the post of the Addl. Dt.Munsif, Mangalore and its revival after summer recess, 1950:

For the reasons set out in para 10 of his letter on pp.13-15 c.f. the Dt.Judge recommends the sanction of an addl. Dt.Munsif to the D.M.C., Mangalore for a period of 3 months from 3.6.50, the date of reopening of the court after the summer recess, 1950. The Hon. the Judges recommend the abolition of the post of addl. Dt.Munsif, Mangalore and staff now and their revival for a period of five months with effect from the date on which the officer posted takes charge after the reopening of the court after the summer recess, 1950. The High Court's recommendation may be accepted. There is no information as to the exact date from which the post of Addl. Dt.Munsif, Mangalore was kept vacant. This may be ascertained. A draft t.m. is submd. for approval. Finance may see for remarks after issue of the draft t.m.

R

(C) C

15/4

15.4.50

15.4.50

Finance (E.T.)

Please see notes from p. 1 above

The proposals of Home on pp1-4 above may be agreed to, subject to the following remarks.—

A on p2 above

B + C above

B above Instructions may be issued that the arrear clearance should be completed within the period of proposed sanction

ASSISTANT SECRETARY TO GOVERNMENT 27864 19 APR 1950 FINANCE DEPARTMENT

2

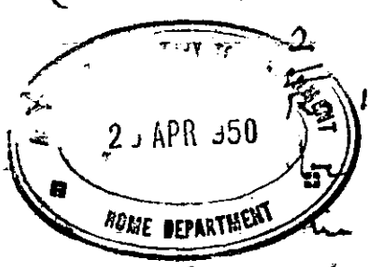
Home No 43103 etc I/50-1

3

C on p.4 above. The retention of the Court may be sanctioned for 3 months as originally proposed — Vide R on p.4 ante — by the Dt. Judge, the High Court being left to come up later if further retention is considered essential.

C)
21/4/50

2. The extra cost involved is about Rs. 12,800 p.a., and the proposal may be placed before the S.F.C. and Cabinet in accordance with the instructions in Fin. No. 41910 Eq-2 dated 30.6.49.



Not pursued

SS
21.4.50.

Fin 27864 Ej-1
25/4/50.
Home

21/4/50

Home Department.

51781
5/4

This file deals with the recommendation of the High Court for the continuance of the D.M.C., at Hosdrug in the South Kanara dt. with addl staff, the appointment of an addl Dt. Munsif to the D.M.C., Kasargod and the abolition and revival of the post of addl. Dt. Munsif, Mangalore. The case has been examined in this department's note on pp.1-4 supra. This dept. her proposed to accept the recommendation of the High Court for the appointment of 2 more addl. l.d. clerks to the D.M.C., Hosdrug for the duration of the term of sanction of that court, but as regards the continuance of the temporary D.M.C., Hosdrug for a period of two years, ~~it is~~ for it is proposed to accord sanction for the continuance of this court for one year only now. This dept. also propose to accept the recommendation of the High Court in regard to the appointment of an addl. Dt. Munsif to the D.M.C., Kasargod from the date of reopening of the court after the summer recess 1950 upto the date of closure of the court for the summer recess, 1951, and for the abolition of the post of addl. Dt. Munsif,

(48703 ch I)

Mangalore and staff now and their revival for a period of five months with effect from the date on which the officer posted takes charge after the reopening of the court after the summer recess, 1950. Finance agree subject to the remarks that instructions may be issued that the arrear clearance should be completed within the period of proposed sanction of the Addl. Dt.Munsif to the D.M.C., Kasargod. In regard to the continuance of the Addl. Dt.Munsif, Mangalore, they suggest that the period of sanction may be restricted to 3 months after the reopening of the court after the summer recess 1950 as ~~originally~~ recommended by the Dt.Judge. ~~As regards the appointment of the addl. Dt.Munsif to the D.M.C., Kasargod, Finance suggest~~ They advise that, as the extra cost involved works out to about Rs.12,800 p.a., the proposal may be placed before the S.F.C. and the Cabinet. As the courts close for the summer recess in the last week of April 1950, ~~and~~ as it would take some considerable time for the proposal to be ~~approved~~ considered by the S.F.C. and the Cabinet, ~~this dept. may suggest that~~ and orders regarding the posting of officers have to be issued early, the "Short Circuit" procedure may be followed in this case in view of the urgency of the case and ~~that~~ orders of H M (Fin) and H.C.M. may be taken before circulation.

2. Finance may see.

26/4/50

26/4/50

Fin

Finance (E.T)

Previous Fin.note on pp.4-5 above and further remarks of Home may be perused.

2. The proposal relating to the additional staff involves an extra cost of about Rs 12,800 p.a. and is a new scheme of expenditure not provided for in the Budget for this year. The attention of the Home Deptt. may in ithis connection be invited to the instructions since issued in Fin.u.o.No.25587 B.G.-1

Homewo 43/103 ch I/50

18th

Ch 11 28.1

No B 7

28.1.51 H.

H

(a)

dated 21-4-1950, and they may be asked to take steps ~~should be taken~~ to provide the necessary ~~for~~ funds by reappropriation or otherwise in time before the sanctioned allotment is exceeded

3. In view of 'X' on p.6 above, the "short circuit" procedure suggested may be agreed to.

Action may also be taken to issue copies of the summarising note to all other H.Ms., Chief Secy., and this deptt. as laid down in Section II(iii) of Fin.u.o.26978(A)B.G.-4 dated 21-12-47.

Thro' B.G.

GOVERNMENT 27 APR 1950 HOME DEPARTMENT

Recd at 6 P M on 27-4-50 56286

Home Deptt

This file deals with the recommendation of the High Court for the continuance of the D.M.C. at Hosdrug in the South Kanara Dt. with addl. staff, the appointment of an Addl. Dt, Munsif to the D.M.C., Kasargod and the abolition and revival of the post of Addl. Dt. Munsif, Mangalore. The case has been examined in this Dept.'s note on pp.1-4 supra. This Dept. has proposed to accept the recommendation of the High Court for the appointment of 2 more addl. l.d. clerks to the D.M.C, Hosdrug for the duration of the term of sanction of that court but as regards the continuance of the temporary D.M.C., Hosdrug for a period of two years, it is proposed to accord sanction for the continuance of this court for one year only now. This Dept. has also proposed to accept the recommendation of the High Court in regard to the appointment of an Addl. Dt. Munsif to the D.M.C., Kasargod from the date of reopening of the court after the summer recess 1950 upto the date of closure of the court for the summer recess, 1951, and for the abolition of the post of Addl. Dt. Munsif, Mangalore and staff now and their revival for a period of 5 months with effect from

(43703/Ets-I)

7/2/5

the date on which the officer posted takes charge after the reopening of the court after the summer recess, 1950. Finance agree subject to the remarks that instructions may be issued that the arrear clearance should be completed within the period of proposed sanction of the Addl. Dt. Munsif to the D.M.C., Kasargod. In regard to the continuance of the Addl. Dt. Munsif, Mangalore, they suggest that the period of sanction may be restricted to 3 months after the reopening of the court after the summer recess, 1950, as recommended by the Dt. Judge, instead of 5 months as suggested by the High Court. They first advised that, as the extra cost involved worked out to about Rs.12,800/- per annum, the proposal ~~may~~ might be placed before the S.F.C. and the Cabinet. As the Courts close for the summer recess in the last week of April 1950, ~~and~~ as it would take some considerable time for the proposal to be considered by the S.F.C. and the Cabinet and as orders regarding the posting of officers etc. have to be issued early, this Dept. ~~suggested~~ consider that the short circuit procedure may be followed in this case in view of the urgency. Finance agree. They have also suggested that steps may be taken to provide the necessary funds by reappropriation or otherwise in time before the sanctioned allotment is exceeded

The case may be circulated for orders. ~~For orders~~ whether ~~the above may be done~~ the proposal of the High Court, as modified by Finance may be agreed to.

28/4/50

28/4/50

28/4/50

12/5

Sec (Ets)

Sec (Fin)

Sec

12/5/50

12/5

12/5

12/5

(cf 43103 ctg I)

9

up after issue of the draft..

Home No
43103 ctg I/50
18.5.50

Finance (Ex)

Previous Fin notn on pp 6-7 above.
The orders in circulation at the bottom of 1 & 2 above and the draft's below may be issued and the case returned to Home no

ASSISTANT SECRETARY TO GOVERNMENT
18 MAY 1950
36882
FINANCE DEPARTMENT

Fin No
36882/E1/50
15.5.50

Issue
20/5/50

pp 29-30 f (Issued as Ex. No. No. 2345, Home, dt 20.5.50)
pp 29-30 f (Issued as Ex. No. No. 2346, Home, dt 20.5.50)
pp 30-31 f (Issued as Ex. No. No. 2347, Home, dt 20.5.50)
pp 31-32 f (Issued as Memo no 43103 ctg I/51.3 dt 20.5.50)
pp 33-34 f from the Secy., Kasaragod Malayala Desa Samajam dt 12.5.50.

The Fin have issued. Please see the reference since received from the Secy, Kasaragod Malayala Desa Samajam on pp 33-34 f and the minutes of HM (Ex+L) on p 33 f. As action has been informed of the final decision by A.S. No action is therefore called for on the representation on pp 33-34 f.

pp 29 f at Hosdurg has been continued for another year and H.M. (Ex+L) has

The only action on this file is the preparation of a summarising note for circulation to HMs, C.S., and the Fin Dept and the Secy. to the Govr.

op S pz f (W) A draft summarising note is submitted below for approval

24/5/50

25/5

ASSISTANT SECRETARY TO GOVERNMENT
20 MAY 1950
HOME DEPARTMENT